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AEVOE CORP.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RACING OPTICS, INC., a Nevada
corporation,,

Plaintiffs,

vs.

AEVOE CORP, d/b/a MOSHI, a California
corporation,

Defendant.

Case No. 15-cv-01774-RCJ-VCF

**DECLARATION OF DIERK DEMERS IN
SUPPORT OF PLAINTIFF RACING
OPTICS, INC.'S REQUEST TO FILE
UNDER SEAL**

1 I, Dierk Demers, declare as follows:

2 1. I am the Manager, Moshi USA Operations and Supply Chain, for Aevoe Corp.
3 (“Aevoe”). I have personal knowledge of the facts set forth herein, and if called to testify, could and
4 would competently testify thereto.

5 2. I have reviewed Racing Optics’ Reply in Support of Its Motion to Compel
6 Compliance with April 20, 2016 Order and Motion for Sanctions under Rule 37 (“Reply”) and
7 Exhibits C and D to the Supplemental Declaration of William E. Mosley (“Mosley Declaration”). I
8 have also reviewed Racing Optics’ July 8, 2016 request to file under seal (1) portions of Racing
9 Optics’ Reply, and (2) Exhibits C and D to the Mosley Declaration.

10 3. Exhibit C to the Mosley Declaration consists of excerpts from the rough draft
11 transcript of the July 6, 2016 deposition of Michael Leonhard. I understand that during the
12 deposition, Aevoe’s counsel designated certain portions of the underlying transcript HIGHLY
13 CONFIDENTIAL—ATTORNEYS’ EYES ONLY. The portions of the deposition transcript
14 disclosed in Exhibit C discuss Aevoe’s confidential business and financial information, including
15 purchase orders, quantities of products sold, and profit-and-loss statements. Aevoe treats this
16 information and those documents as confidential because it is highly sensitive business and financial
17 information. Aevoe designated these portions of the deposition transcript as HIGHLY
18 CONFIDENTIAL—ATTORNEYS’ EYES ONLY in order to prevent the disclosure of such
19 information to competitors (such as Racing Optics).

20 4. Exhibit D to the Mosley Declaration consists of excerpts from a document that Aevoe
21 produced in this case and designated HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY.
22 Exhibit D consists of purchase histories of Aevoe products, showing the products sold, the quantity
23 sold, the price, and other information. Aevoe treats this information as confidential in order to
24 protect its competitively sensitive financial and sales information, including to keep such
25 information from competitors such as Racing Optics.

26 5. Portions of Racing Optics’ Reply (including, specifically, portions of Section III.A.
27 and Section III.B) quote directly from and discuss Exhibit C. These quotations, and Racing Optics’
28 discussion of them, disclose Aevoe’s confidential information described above.

1 6. For the reasons given above, Aevoe respectfully requests that the Court seal Exhibits
2 C and D to the Mosley Declaration, as well as the portions of Plaintiff's Reply that incorporate or
3 discuss Aevoe's confidential, proprietary, and commercially sensitive information from those
4 Exhibits.

5 I swear pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

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7 Date: July 15, 2016

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Dierk Demers

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano Wilson LLP, and that on the 15th day of July, 2016, a true and correct copy of the foregoing **DECLARATION OF DIERK DEMERS IN SUPPORT OF PLAINTIFF RACING OPTICS, INC.'S REQUEST TO FILE UNDER SEAL** was electronically filed with the Clerk of the Court by using CM/ECF service which will provide copies to all counsel of record registered to receive CM/ECF notification.

/s/ Michelle Wade

An employee of McDonald Carano Wilson LLP